

ASSESSING TEACHER PERCEPTIONS ON VARIOUS ISSUES PERTAINING TO
SCHOOL LAW IN A NORTH ALABAMA SCHOOL DISTRICT

by

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DEDICATION

This Action Research Project is dedicated to my mother Dr. Sherita Moses. She taught me to always persevere, even in the face of adversity, to accomplish my goals. It is also dedicated to my grandmother Claudia Moses who taught me the importance and impact of obtaining an education.

ABSTRACT

There are various aspects pertaining to school law that affect teachers and students nationwide. The problem lies in the fact that most teacher preparation programs, leading to initial teacher certification, do not require adequate training in the areas of school law. Research indicates a growing number of lawsuits in the areas of discrimination, negligence, search and seizure, and student rights. This research study seeks to explore the perceptions of teachers on various areas pertaining to School Law.

This study was conducted in a Northern Alabama School District of Elementary Schools, Middle Schools, and High Schools. Teachers of various ages, years of teaching experience, educational backgrounds, genders, and school types participated in the study. The background knowledge in the areas of discrimination, negligence, search and seizure, and student rights. Most of the teachers indicated that their background knowledge in these areas was inadequate. Teachers with advanced degrees showed more knowledge of experience in the areas of discrimination, negligence, search and seizure, and student rights. This study benefited the student learning environment by making teachers aware of the legal issues they may be faced with in the classroom. Participating in this study made teachers more aware of what issues impact themselves as well as the students. This Action Research project seeks to enhance the educational setting by examining the perceptions of teachers on various areas pertaining to School Law.

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CHAPTER 1

INTRODUCTION

Statement of the Problem

According to the 2012-2013 school year data, in Alabama, there are 173 school districts that employ over 51,800 teachers. In 2016, over 200 Discrimination cases were filed in the Northern District of Alabama and 20 cases involved Employment Tort Liability.

These are examples of various issues pertaining to school law that affect educators across the nation. Many teachers are affected by ethical dilemmas on an almost daily basis.

When faced with these situations it is important for teachers to know how to legally deal with these situations and how they will be impacted by federal and state regulations.

Purpose of the Study

The purpose of this research study will be to examine teacher perceptions on various issues pertaining to school law in the State of Alabama. Having data on teacher perception in Alabama can help shape future educational policy so that teachers can have an understanding of what they should and are required to do in various ethical and moral situations that affect the learning environment. Examining teacher perceptions will have a transformational impact on the Educational State Code in Alabama and influence future educational practices around the world.

Research Questions

- 1) There will be a noticeable difference in the perceptions of teachers teaching at Middle and High Schools versus Elementary Schools regarding their knowledge of discrimination, negligence, search and seizure, and student rights.
- 2) There will be a noticeable difference in the perceived knowledge base of teachers with less than 3 years of teaching experience versus those with 3 or more years of teaching experience regarding discrimination, negligence, search and seizure, and student rights.
- 3) There will be a noticeable difference in the perceptions of teachers with a Master's degree or higher versus those with a Bachelor's degree regarding their knowledge of discrimination, negligence, search and seizure, and student rights.

CHAPTER 2

REVIEW OF LITERATURE

According to the 2012-2013 school year data, in Alabama, there are 173 school districts that employ over 51,800 teachers. In 2016, over 200 Discrimination cases were filed in the Northern District of Alabama and 20 cases involved Employment Tort Liability. These are examples of various issues pertaining to school law that affect educators across the nation. Many teachers are affected by ethical dilemmas on an almost daily basis. When faced with these situations it is important for teachers to know how to legally deal with these situations and how they will be impacted by federal and state regulations. Teachers are constantly required to remain knowledgeable of minimum job requirements pertaining to the safety and equal treatment of students. In order to ensure equity, efficacy, and safety in a learning environment the understanding of local, state, and federal regulations is of importance to teachers. There are many influential factors that contribute to an individuals' self-identity such as: race, ethnicity, culture, class, gender, sexual orientation, religion, physical ability, age, and so on. In studies of American mainstream teachers and the factors that influence their pedagogy, white racial membership and the cultural position that this inherently implies has been shown to have implications for teacher/student interactions in ways that limit minority student academic achievement. Schools are important spaces in which social and cultural competencies are necessary to the formation of intergroup friendships that may be supported. Schools provide settings in which children learn about themselves and other children, adults, and the society in which they live. Steinitz & Solomon 1989 describe schools as "sites of identity", places where young people draw conclusions about what sort of people they are, what society has in store for them and what they can therefore hope for." In this

context, teachers, staff, and administrators may act as important models and facilitators for young children as they develop intra and interpersonally.

Interethnic/interracial friendships in childhood have been identified as significant predictors of positive intergroup attitudes and decreased racial prejudice both in children and adults. Interracial friendships have been found to have positive effects on behavioral, social, and affective domains (Lease & Blake, 2005). Hunter & Elias (1999) found that children with at least one reciprocated high quality interracial friendship were more socially skilled, rated higher on associability measure, and participated in more diverse social networks than children with no interracial friendships. There are many ways that teachers can prevent discrimination from occurring in the classroom. Speak directly to the child. "It is not OK to use that word to describe Trisha. That word hurts her feelings and makes her sad or angry." Reaffirm the value of both children. "Her skin (religion, language, etc.) is different from yours; that makes her special and unique." "You are special and everyone is different." "Some people speak different languages." Comfort and acknowledge the victim's feelings and teach appropriate words to the offending child and give additional information. Model respectful behaviors for children and treat all children fairly and respectfully. Invite children to share information about their culture or disability as they feel comfortable. Include books, toys, and materials in your program that discuss physical, racial, or ethnic differences. Bias and discrimination often stem from ignorance and fear of the unfamiliar. You can combat destructive attitudes by purchasing books, dolls, and dramatic play props that make children aware of other races and cultures.

This review of literature will examine previous research conducted in the areas of discrimination, search and seizure, religion in schools, liability, and negligence as it relates to K-12 students, teachers, and administrators in school settings.

Keywords: discrimination, negligence, religion, search, seizure, liability, human rights, responsibilities, law, perception

DISCRIMINATION IN K-12 SCHOOLS

Only 6% of Whites believe racism in America still exists (Alhumam, 2015). According to Michael Merrigan, “A duty is the action which is required by a moral law which one chooses and feels compelled to follow.” Educators have a moral duty to ensure that discriminatory acts do not take place in the learning environment. Schools are filled with various cultural and racial backgrounds and it is also up to the Instructional Leader to ensure that the school environment is inclusive and that the ultimate building culture is an atmosphere of acceptance of various backgrounds. The 2013-2014 Civil Rights Data Collection is a survey administered across the nation by all public schools. According to the data there are 16,758 school districts, 95,507 public schools, and a total of 50,035,744 students attending public schools (U.S. Department of Education, 2016). The racial breakdown includes 4.8% Asian, 1.1% American Indian/Alaskan Native, 3.1% 3 Or More Races, 0.4% Pacific Islander, 15.5% Black, 50.3% White, and 24.7% Hispanic (U.S. Department of Education, 2016). Looking at this data reveals a mixing pot of diversity in our Nation’s public school system. It is important that educators have knowledge of cultural diversity and sensitivity and be knowledgeable on issues and practices that lead to discrimination in the learning environment. Current research

indicates that 15% of students speak a language other than English as their primary language and 40% of students are immigrants from other countries (Moloney, 2016). Although teacher education programs are becoming more culturally diverse they are not keeping up with the trend of rapidly growing diversity in schools (Moloney, 2016). A study conducted by Maloney concluded that teachers and students had a limited knowledge base regarding culture and identity. It also concluded that that the classroom must go beyond classroom management, delivery of instruction, and satisfying accreditation demands to ensure responsibility of equity and social justice in the classroom (Moloney, 2016).

Children around the world are faced with discrimination based on age, race, ethnicity, gender, religion, disability, and indigenous background (Killen, 2011). Adults influence a child's perceptions regarding gender, race, ethnicity, and culture in the early stages of child development. Whether discrimination involves gender, ethnicity, race, nationality, religion, or socioeconomic status, prejudice affects societal messages and practices. Findings determined that children are aware of discrimination and are the recipients as well as the perpetrators of discriminatory actions (Killen, 2011).

There are many forms of discrimination. In the 1960s Congress passed legislation to prohibit sex-based discrimination in working conditions related to compensation, prerequisites for employment, and work related benefits. Discrimination based on sex is protected by Title VII. Title VII states, It is unlawful for an employer "to fail or refuse to hire or to discriminate against any individual or to discriminate against any individual with respect his compensation, terms, conditions, or privileges of employment, because

of an individual's race, color, religion, sex, or national origin (Alexander, Kern; Alexander, M. David, 2012).

Research indicates that there are varying levels of discrimination among different groups of domestic students across the United States. Discrimination has negative consequences on both domestic and international students (Grayson, 2014). A study conducted by Andrew McKnight studies the perspectives of 22 young adults concerning their experience in schools in an urban GED preparation facility. A privately funded inner city adult education facility was where the research was conducted. The overall research examine their perceptions and experiences in the facility. The study examined the perceptions of caring and competing interests. The study revealed evidence of discriminatory attitudes and belief systems. The study revealed that the teachers were described as cruel discouraging, dismissive, aloof, disengaged and inattentive (McKnight, 2015). One student described their experience stating, "Some teachers act like it is a chore to come to school every day and of course that gives you a bad attitude about school. Teachers make a difference they really do and they affect you. I would really like to change how the teachers respond to the students and how they treat students" (McKnight, 2015). The Pregnancy Discrimination Act of 1978 prohibits employers from discriminating on the basis of pregnancy. Courts require that employers treat pregnancy the same as other disabling illnesses for the purposes of health benefits and other related program. Pregnant employees must be able to receive the same leave provisions that are available for other disabling illnesses (Alexander, Kern; Alexander, M. David, 2012). Title VII prohibits employers from discriminating against an individual because of religion. The 1972 amendment states, "The term religion includes all aspects of religious

observance and practice, as well as belief, unless an employer demonstrates that he is unable to reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business" (Alexander, Kern; Alexander, M.David, 2012). Title VII also protects against sexual harassment in the workplace based on quid pro quo and hostile work environment provisions.

The decisions reached in the Supreme Court decision in the Burlington Industries and Boca Raton cases suggest that an employer's written policy should:

- State that harassment because of membership in any protected group is prohibited
- Define harassment in a plain language and give examples of it so that employees and supervisors understand what types of behavior are prohibited
- Set up a system so that employees need not approach their supervisor if the supervisor is the alleged harasser
- Reserve the right to impose discipline for inappropriate conduct discovered during the investigation of a harassment complaint, without regard to whether the discovered conduct is unlawful harassment
- Provide for a prompt investigation of all reports
- Provided that any violation of company policy will result in appropriate corrective action, including discipline up to and including the immediate termination of employment

- State that the employer forbids retaliation for reporting harassment or for cooperating with an investigation of alleged harassment
- State that the employer will preserve the confidentiality of complainants and witnesses to the extent that the needs of the investigation permit
- Document the distribution of the policy to each employee

NEGLIGENCE

In most court cases the test of whether or not negligence is the case depends on four factors. (1) A legal duty, such as supervising students for safety, (2) Breach of duty, meaning that the teacher did not act as would be expected for a teacher in the region under the circumstances, (3) Whether or not the student incurred injury, (4) The breach that caused the injury (Zirkel, 2011). In 2011, 17 published court decision arose specific to negligence in the context of elementary school playgrounds in the short time span of 5 years. Negligence is a result when, “without intended any wrong, he or she commits an act or fails to act to prevent an occurrence that under the circumstances an ordinary prudent person ought reasonably to foresee will expose another person to unreasonable risk or harm” (Love, 2014). When there is a failure by omission or commission to meet the standard of care due diligence that results in injury negligence results in common law (Zirkel, 2016).

The most common defense employed in charges of negligence is Contributory negligence. Neither will be assessed when a teacher or administrator is charged with negligence when contributory negligence is proven. A child under the age of 7 cannot be charged with contributory negligence. The limit of ages are not absolute they server as guides in determining whether or not contributory negligence occurred. School personnel,

student intelligence, as well as maturity level are factors when the jury deliberates to reach a verdict (Essex, 2005).

A commonly used defense is Assumption of Risk. This provides that students assume the risk when they participate in an activity they wish to participate in. Although student assumes the risk it does not excuse school personnel in incidents where a reasonable standard of care is not provided based on maturity, age, and nature of the risk associated with the activity (Essex, 2005). In Comparative Negligence those responsible are compared in the degree of negligence that caused injury in an incident. The jury makes its determination based on the fault of the injured persons. This method of comparative negligence is considered by legal experts as the fairest method in determining liability due to the fact that it places responsibility on both parties and responsibility based on the degree of fault exhibited by each party involved (Essex, 2005). Intentional tort and negligence differs in that negligence is neither expected nor intended. In a case regarding negligence a reasonable person could have anticipated harmful results. An accident does not constitute negligence if it could not have been prevented by reasonable care. In order for negligence to be present someone must sustain injury from an unreasonable risk take by another person. A prudent person of average prudence, ordinary sense using ordinary care and skill, and a reasonably prudent person is seen as a reasonable person (Alexander, Kern; Alexander, M.David, 2012).

LIABILITY

Strict liability is when a court finds a teacher not responsible for the accident yet still orders the educator to pay the injured party to offset any costs associated with the accident (Love, 2014). An example of tort is when individuals sustain from an accident in

an education laboratory will be deemed tort liability which Kaplin and Lee (2007) define as, “A civil wrong, other than a breach of contract, for which courts will allow a remedy. A tort claim generally involves allegations that the institution, or its agents, owed a duty to one or more individuals to behave according to a defined standard of care that the duty was breached, and that the breach of duty caused injury to the individual(s)”. It is important for school districts, administrators, and teachers to be aware of the terms of liability in all aspects. Safety is important in the learning environment, sports environment, and bus environment. Negligent practice and hiring can result in various school officials being held liable. In New York, state laws regulate school bus contractors because personal injury attorneys seek to hold both school bus contractors and school districts liable under the alternative theories of negligent hiring and negligent retention (Dargan, 2014). Employers are misinformed when it comes to insurance coverage and they rely all too much on the fact that they have liability insurance (Dargan, 2014). In the sports environment, immunity varies from state to state. Plaintiffs who are parents suing on behalf of the injured student-athletes, have additionally or alternatively asserted liability claims based on the federal civil rights law, specifically public schools’ action that creates a danger to the bodily integrity or physical safety of the students under their care (Zirkel, 2016).

Schools can avoid exposing school districts and subjecting themselves to liability by staying aware of the legal, financial and operational consequences of changes in transportation that could jeopardize safety (Ammon, 2011). According the Journal of School Business Affairs, schools should implement Incident Command Systems. In the event of a crisis or hazardous materials issue the emergency team can be trained to follow

a checklist to determine the best plan of action to prevent further danger (Gayle, 2011). In the State of Alabama, Alabama Code, Section 16-22A-13 states, An authorized employer shall not be liable in any action for damages solely for failure to conduct a criminal history background information check on an educational employee pursuant to this chapter if such failure is due to reasonable time constraints of background check backlogs, nor shall the state or political subdivision thereof, nor any agency, officer, or employee thereof, be liable in any action for damages for the failure of a qualified entity to take action adverse to an individual who was the subject of a criminal history background information check. Neither the State Superintendent of Education, the State Department of Education, nor any agent thereof shall be liable in civil court in an action for damages arising out of any suitability determination. As of recent, the number of teenage suicides that have occurred because of bullying has increased. According to bullyingstatistics.org, Suicide is the third leading cause of death among young people resulting in about 4,400 deaths per year according to the CDC. Over 14 percent of high school students have considered suicide. In regard to intentional tort battery, bully is a liability for damages. In cases of bullying the school district is held negligent because it has failed to supervise and ensure that students are out of harm. Most school districts carry liability insurance that protects them from liability damages (Alexander, Kern; Alexander, M.David, 2012). The U.S. Department of Education recommends that School Districts, Administrators, and Teachers:

- Encourage students and parents to notify school officials when bullying occurs
- Interview the victim and ascertain the facts
- Establish a system of required reporting and information to document occurrences

- Provide advice to victims of all options available to them
- Evaluate the victim's requests for confidentiality to determine if it can be honored without limiting the school's ability to remedy the harassment
- Take prompt remedial action appropriate to the offense and the age and identity of the parties
- Provide interim protection such as separating the parties, referrals to victim assistance sources and enforcement of the policy's anti-retaliation provisions

Because school districts are often held liable due to lack of supervision, it is important that school administrators and teachers are aware of their duty to supervise students at all times. The author Nathan Essex outlines several important times supervision should occur. Before school, there is a responsibility to supervise students who will arrive before the school day begins. Parents need to be discouraged from bringing students during a time where it is too early for adequate supervision to be provided however administrators are still responsible for ensuring that the campus is safe during early hours (Essex, 2005). During the school day school administrators and teachers are held to the standard of in loco parentis which means they assume the responsibility to provide supervision. After the school day ends supervision ends (Essex, 2005).

SEARCH AND SEIZURE

The fourth amendment of the United States protects against unreasonable search and seizure. This amendment states, "The right of people to be secure in their persons, houses, papers and effects against unreasonable search and seizures, shall not be violated, and no warrants shall be issued, but upon reasonable cause." When faced with the decision of when to search a student's desk, purse, book bag, or locker it is important for

educators to know their rights as well as the student rights. Lockers and desks are considered school property (Essex, 2005). School officials are able to search lockers and desks before they are able to search the actual student. The search conducted must be reasonable. A reasonable is defined by Essex as, “information received from students or teachers that is considered reliable by school officials”. In the case of New Jersey v. T.L.O case in 1985, the Supreme Court ruled that any searches that are conducted by school officials are subject to the protection of the Fourth Amendment (Essex, 2005). When teachers and administrators search student desks it is important that they meet the standard of reasonableness. It is important that school policies be included in the student and teacher handbook that outline what reasons the teachers must consider prior to searching a student’s desk. When teachers and administrators search student lockers it is also important that they consider the standard of reasonableness. The search of book bags is considered intrusive and is subject to protection under the Fourth Amendment. School officials may search student automobiles if the standards of reasonable suspicion are met. If the student’s car is on school property a probable cause must be established prior to the search (Essex, 2005).

Many times in high schools searches conducted include the involvement of law enforcement. In order for law enforcement officials to enter a school there must be a search warrant. The parent must also be contacted in the event that law enforcement enters a school building to conduct a search (Essex, 2005). When the law enforcement officials search the locker of the suspected student there must be a witness present. If the parent is unavailable to be a witness then a school official can act as the witness (Essex, 2005).

- The fourth amendment prohibits unreasonable searches
- The determination of a standard of reasonableness governing any specific class of searches requires balancing the need to search against invasion upon the individual which the search entails
- The accommodation of privacy interests of school children with the substantial needs of school officials for the freedom to maintain order in schools does not require strict adherence to the requirement that the searches be based on “probable cause” rather legality of the search of a student should depend simply on reasonableness
- Determining the reasonableness of any search involves whether or not the action was justified at its inception or whether the search was actually conducted was reasonably related in scope to the circumstances which justified the interference in the first place
- Under ordinary circumstances, a search of a student by a teacher or other school official will be justified at its inception when there are reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or rules of the school
- A search of a student by a teacher or other school official is permissible in its scope when measures adopted are reasonably related to the objectives of the search and not excessively intrusive in light of the sex of the student and the nature of the infraction.

- The search requirement of reasonable suspicion by school officials is not a requirement of absolute certainty; sufficient probability, not certainty is the touchstone of reasonableness under the Fourth Amendment.

RELIGION IN SCHOOLS

Religious liberties were omitted from the constitutions however, there was uncertainty of whether religious rights were implied in the constitution. Thomas Jefferson introduced proposals aimed at preventing encroachment by government into the rights and liberties of citizens. The proposals became known as the Bill of Rights. The principle of law resulted in religious freedoms. The Separation of church and state guarantees religious freedoms. In the case of *Reynolds v. US* the Supreme Court case invoked Thomas Jefferson's view that there will be a wall of separation between church and state. The First Amendment states that Congress shall make no laws respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech. The First Amendment prohibited congress from making laws supporting religion. The *Engle* decision banned prayer in public schools. The contention was that prayer was religious in nature and did violate the establishment clause of the First Amendment. After the *Schempp* case the courts ruled that Bible reading practices were unconstitutional and were an advancement of religion. The *Murray* court case ruled that the use of the Bible as historical literary, ethics, or philosophical document is permissible if a secular purpose is clearly served. In the *Lemon v. Kurtzman* case Rhode Island and Pennsylvania begin providing assistance to parochial schools and they were challenged by citizens and tax payers. In order to pass the *Lemon* test there must be a secular purpose, must no neither advance nor inhibit religion, and it must not create excessive entanglement. Public

schools may not display religious exhibits or other visual materials. Public school teachers should refrain from the use of religious symbols or pictures, even in conjunction with discussing various holidays. Religious displays are prohibited in public school settings. Public schools may not erect any type of religious display on school property. Any type of school-sponsored prayer at athletic contests is deemed to be a violation of the First Amendment. Public School Graduation ceremonies involving prayer are not in harmony with the First Amendment's command for neutrality. Student initiated, student lead prayers are permissible at commencements. School boards that open their meetings with prayer are violating the constitution's First Amendment establishment clause. The use of school facilities by student religious groups continues to create friction between students and school officials. Congress attempted to address these issues when it passed the Equal Access Act in 1984 for the expressed purpose of providing student religious groups equal opportunities to access high school facilities as enjoyed by other noncurricular clubs. If a school official allows any noncurricular student club to use school facilities then student religious groups must be allowed equal access. In terms of releasing students for religious instruction, Public schools may permit public school student to attend religious centers during school hours, since no compulsion is involved and no public school resources are expended. This practice does not violate First Amendment prohibitions. Public school personnel are not permitted to distribute religious materials on school premises. This practice would violate the establishment clause. Public school officials also may not allow religious groups to distribute religious materials on school grounds. Students may distribute religious materials that do not interfere materially or substantially with school operations. Prohibiting students from

passing out materials would be an inhibition to the free exercise of religion. The first amendment prohibits states from aiding religion or showing preference of one religion over another. Public schools may not celebrate religious holidays and there should be no worship or devotional services nor religious pageants or plays of any nature held at school. Certain programs may be conducted if a secular purpose is clearly served. Schools cannot display the 10 Commandments. The U.S. Supreme Court ruled that displaying the 10 Commandments was unconstitutional and a violation of the establishment clause of the First Amendment. The Federal Court of Appeals held that the U.S. Supreme court ruling on Santa Fe does not prevent students in Alabama from discussing religion in Public Schools or praying publicly so long as such activities are voluntary. School personnel may not direct or supervise students who initiate religious expression.

TEACHER PERCEPTIONS

In a previous study conducted by Shapira-Lishchinsky and Gilat in 2015, 60 educators were surveyed on their perceptions and the discrepancies related to policy and tendency to act when faced with ethical and moral dilemmas. The results of the study revealed that despite policies being in place for ethical dilemmas, there were several cases in which the teachers did not know how to respond. Teachers were suggested educational modes of behavior which they did not always choose. The results of this study showed that teachers' tendency to act can promote autonomy to deal with ethical incidents by developing better decision making processes. (Shapira-Lishchinsky and Gilat, 2015). I chose to highlight this study because it outline the difference between each teacher's individual perception and the ethical case study provided to them. Each

teacher's choice varied despite educational policy provided. Teachers will make decisions based on their perceptions. The purpose of this research study will be to examine teacher perceptions on various issues pertaining to school law in the State of Alabama. Having data on teacher perception in Alabama can help shape future educational policy so that teachers can have an understanding of what they should and are required to do in various ethical and moral situations that affect the learning environment. Examining teacher perceptions will have a transformational impact on the Educational State Code in Alabama and influence future educational practices around the world.

CHAPTER 3 METHODOLOGY

This study was conducted by an electronic survey that was sent out to the teachers of 29 schools. The survey included 43 questions that addressed the areas of discrimination, negligence, search and seizure, and student rights. 184 surveys were collected and the data was disaggregated utilizing Survey Monkey Software as well as Excel Software. No identifiers were included in the survey. The teachers were made aware that the answers to the survey questions were anonymous. Also, if teachers did not feel comfortable answering certain questions on the survey they were advised to skip those questions. The average time it took teachers to complete the survey was between five and ten minutes. Teachers were able to complete the survey on their own time and submit the survey to the Survey Monkey database where the survey information was collected. The data from the surveys was sorted based on years of experience, educational level, and school type. The data was then analyzed to examine if there was a significant difference in the perceptions of teachers on various issues pertaining to school based on their years of experience, educational level, and school type. The survey questions assessed were based on the research questions designated for the study. A teacher focus group was also conducted to address the perceptions of the teachers after taking the survey. These teachers indicated that the survey was helpful in making them more aware of the school law issues that affect them each day. The teachers in the focus group also expressed that they were unaware that their prior knowledge pertaining to school law issues was inadequate and would like to receive more training and professional development to help them to be aware of legal issues that they could be faced with in the classroom and school setting.

CHAPTER 4 RESULTS

The total number of respondents in this survey was 184. The respondent number for each question varied as respondents were given the option to skip questions they did not feel comfortable answering. Research question one stated that there would be a noticeable difference in the perceptions of teachers teaching in middle and high schools versus elementary schools regarding their knowledge of discrimination, negligence, search and seizure, and student rights. Research question two stated that there would be a noticeable difference in the perceived knowledge base of teachers with less than 3 years of teaching experience versus those with 3 or more years of teaching experience regarding discrimination, negligence, search and seizure, and student rights. Research question three stated that there would be a noticeable difference in the perceptions of teachers with a Master's degree or higher versus those with a Bachelor's degree regarding their knowledge of discrimination, negligence, search and seizure, and student rights.

The data revealed the following results: When teachers were asked to respond to question (item 16) "School officials can search the belongings of a student without reason", the responses were as follows: 77% of elementary teachers felt that school officials cannot search the belongings of a student without reason, 64% of High School teachers felt that school officials cannot search the belongings of a student without reason, and 90% of Middle School teachers felt that school officials cannot search the belongings of a student without reason by indicating their answers to be false. The noticeable difference related to this item was the difference of the perceptions of middle school teachers versus those of Elementary and High School teachers. 39% of teachers

with Bachelor's Degrees indicated their answer to be true which provided a noticeable difference in comparison to the responses of those with Master's Degrees or higher. 80% of teachers with More than 10 years of experience indicated their answers to be false, which is a noticeable difference in comparison to the teachers with 3-10 years of experience and less than 3 years of experience. When teachers were asked to respond to question (item 17) "Law enforcement must have probable cause to search a student", the responses were as follows: 93% of Elementary teachers, 90% of Middle School Teachers, and 84% of High School teachers felt that Law enforcement must in fact have probable cause to search a student by indicating their answers to be true. Although there were no noticeable differences between middle and high school versus elementary, there was a noticeable difference in the responses of middle school teachers versus elementary and high school teachers. When teachers were asked to respond to the question (item 20) "Teachers are not liable for injuries sustained by students that result from breaking up a fight", the responses were as follows: 71% of elementary and 75% of high school teachers felt that teachers are liable for injuries sustained by students that result from breaking up a fight. Whereas, only 64% of middle school teachers felt that teachers are liable for injuries sustained by students that result from breaking up a fight. Regarding items 21-26 the results were as follows: Item (21) Elementary, Middle, and High School teachers felt that teachers are liable for educational malpractice. 86% of elementary teachers, 85% of middle school teachers and 91% of high school teachers were in agreement. When teachers were asked to respond to (item 22) "Schools who fail to prevent sexual harassment can be held liable", the responses were as follows: Almost 100% of elementary, middle school, and high school teachers responded true. When

teachers were asked to respond to (item 23) “A teacher who gives a student a ride home without parental permission can be held liable if not injuries are sustained”, the responses were as follows: Almost 100% of the elementary, middle, and high school teachers responded true. When teachers were asked to responded to (item 24) “If a teacher provides information on a recommendation for a student that a teacher can be held liable”, the responses were as follows: 86% of teachers with Master’s degrees responded false, which is noticeable because the correct answer is true. When teachers were asked to respond to (item 25) “Teachers are liable when injury occurs if they leave their classroom”, the responses were as follows: Almost 100% of the teachers answered this question as true which is correct. This is a common mistake teachers make in the classroom environment however the teachers in a Northern School District of Alabama have an understanding that their classroom should be supervised at all times. When teachers were asked to respond to (item 26) “Teachers are liable for failure to report sexual, physical, or verbal abuse”, the responses were as follows: Almost 100% of the teachers answered this question as true which is correct. Teachers are mandated by state law to report all forms of child abuse. Teachers who fail to do so could face criminal charges.

When teachers were asked to respond to (item 28) “Students can promote their political views at school”, the responses were as follows 66% of teachers with more than 10 years of experience answered true. When teachers were asked to respond to (item 29) “Students have a right to participate in extracurricular activities”, the responses were as follows: 23% of high school teachers answered false which is a notable difference compared to elementary and middle school teachers. The perceptions of high school

teachers on extracurricular activities could vary due to the fact that they perceive academics to be more of a priority than extracurricular activities and may often find these activities to cause a distraction. When teachers were asked to respond to (item 30) “Students have a right to a hearing with legal representation when suspended for 5-10 days”, the responses were as follows: 20% of High school teachers answered false which was a noticeable difference when compared to the perceptions of elementary and middle school teachers. When teachers were asked to respond to (item 31) “Students may wear t-shirts that criticize school policy if they do not interfere with the learning environment”, the responses were as follows: 64% elementary teachers answered false which was a noticeable difference when compared to middle and high school. When teachers were asked to respond to (item 32) “Schools can require all students to wear uniforms”, the responses were as follows: 90% of teachers with Masters Degrees responded true which was a noticeable difference when compared to teachers with Bachelor’s degrees or Doctorate degrees. When teachers were asked to respond to (item 33) “Student speech that is offensive, provocative, and controversial is protected by the first amendment”, the responses were as follows: The teachers responded to this question in various ways due to their misunderstanding of the question’s wording. However, 37% of high school teachers answered true which was a noticeable difference when compared to teachers of elementary and high school. When teachers were asked to respond to (item 35) “Schools can require that teachers abide by strict dress codes without violating their rights”, the responses were as follows: 24% of middle school teachers answered false. Their answers indicate that their rights would be violated if they were asked to abide by strict dress codes, however based on the schools handbook, district policy, or state professional

standards for Educator Conduct educators can be mandated to abide by a dress code.

When teachers were asked to respond to (item 36) “Schools can require supplemental material approval by administrators in advance without violating their rights”, the responses were as follows: 75% of teachers with Doctorate degrees answered true which indicates their perceptions are that they can choose material for their lessons without seeking approval. Their advanced education could lead them to seek out addition resources to strengthen their instruction however, it is a best practice to seek approval.

When teachers were asked to respond to (item 37) “Public school teachers must abide by the Bill of Rights”, the responses were as follows: Almost 100% of teachers from Elementary, Middle, and High School teachers of various educational backgrounds and experience levels answered this question as true. It is good to know that this school district values the Constitution and the Bill of Rights that protects American Citizens.

When teachers were asked to respond to (item 38) “Teachers who falsely report student abuse can be sued for defamation”, the responses were as follows: Only 73% of High School teachers answered true which was a noticeable difference when compared to elementary and high school teachers. When teachers were asked to respond to (item 39) “Public school teachers have the authority to fire a teacher for having a consensual sexual relationship with a student over the age of 18”, the responses were as follows: Teachers with the most experience and highest education levels answered this question incorrectly at a high percentage when compared to teachers of their counterparts. This could be due to the fact that when they entered the profession laws based on sexual relationships with students over the age of 18 differed to those present today. When teachers were asked to respond to (item 40) “Teachers that publicly criticize school policies can be discipline”,

the responses were as follows: Only 61% of Middle school teachers believed that they can be discipline for publicly criticizing school policy which was a noticeable difference when compare to elementary and high school teacher perceptions. When teachers were asked to respond to (item 41) “Teachers possess the legal authority to select the text for their students”, the responses were as follows: 66% of High school teachers do not believe that they can select the text for their students as indicated by their answer choice of false. This could be because of their reliance on standardized testing preparation materials. When teachers were asked to respond to (item 42) “Teachers who discuss controversial subjects, if they are relevant, appropriate for the age and maturity of the students, and do not cause disruption, are protected by academic freedom”, the responses were as follows: 83% of the middle school teachers in this school district answered true. There is a noticeable difference in their perceptions when compared to the elementary and high school teachers. When teachers were asked to respond to (item 43) “Teachers cannot view student records without permission from the principal or the parents”, the responses were as follows: 84% of the elementary school teachers responded false which indicates a noticeable difference when compared to middle and high school teachers. Elementary teachers appear to perceive more freedom when it comes to the access of student records but should be careful to not violate FERPA (Family Educational Rights and Privacy Act) when handling confidential student information.

CHAPTER 5

CONCLUSION

The purpose of the study was to examine Teacher Perceptions based on Various Issues Pertaining to School Law. The field of education is filled with occurrences relating to school law that teachers need to be prepared for in a classroom setting and in a school setting in order to avoid serious legal consequences or revocation of licensure. This research has served as a catalyst for awakening the need for further exposure and professional development in various areas of school law for teachers currently teaching as well as those currently in teacher preparation programs.

This research reveals the need to add the school law component to preparation programs leading to initial teacher certification. Educators who pursued advanced degrees were more familiar with the school law content however, it is up to content knowledge instructors to ensure that they are aware of legal issues that affect their practice and the students. Additionally, this study reveals the need for teachers to return to school to pursue advanced degrees in education in order to enhance their educational practice. The perceptions of the middle school teachers in this school district appear to be more controversial than the responses of elementary and high school teachers. A further study on why their perceptions differ is needed. Overall, there were significant differences seen in the perceptions of teachers of various educational levels, school types, and experience levels on various issues pertaining to school law. Based on the results of this study there were some limitations. Addition research should be conducted on districts outside of the Northern School District in Alabama to determine whether or not the perceptions differ based on geographic location.

Appendix A

Data

		Bachelors		Masters		Masters +30		Doctorate	
		TRUE	FALSE	TRUE	FALSE	TRUE	FALSE	TRUE	FALSE
Question	20 Total Responses	65	3	178	5	25	1	5	0
Question	21 Total Responses	10	57	21	162	2	24	0	5
Question	22 Total Responses	56	11	178	6	23	2	5	0
Question	23 Total Responses	55	2	181	3	26	0	4	1
Question	24 Total Responses	15	53	26	158	14	12	2	3
Question	25 Total Responses	64	4	170	13	21	5	4	1
Question	26 Total Responses	68	0	183	1	25	0	5	0
Question	28 Total Responses	61	7	177	7	24	2	3	1
Question	29 Total Responses	65	3	180	2	25	1	4	1
Question	30 Total Responses	68	0	182	2	26	0	4	1
Question	31 Total Responses	67	1	183	1	26	0	5	0
Question	32 Total Responses	46	21	162	20	21	5	3	2
Question	33 Total Responses	61	7	71	12	21	5	3	2
Question	35 Total Responses	60	7	168	14	21	5	4	1
Question	36 Total Responses	22	46	11	145	11	15	3	2
Question	37 Total Responses	53	15	172	12	20	6	4	1
Question	38 Total Responses	6	61	10	173	3	23	5	0
Question	39 Total Responses	55	12	169	14	20	6	3	2
Question	40 Total Responses	67	0	177	4	22	3	5	0
Question	41 Total Responses	66	0	176	7	23	2	5	0
Question	42 Total Responses	56	11	167	17	21	5	2	3
Question	43 Total Responses	49	18	164	20	17	9	4	1
Question	16 Total Responses	24	41	25	159	7	19	1	4
Question	17 Total Responses	48	20	157	27	17	9	3	1
Question	18 Total Responses	58	10	170	13	18	8	4	1

		Elementary			Elementary			Middle School			Middle School			High School			High School		
		Elementary	Middle	High	FALSE	TRUE		FALSE	TRUE		FALSE	TRUE		FALSE	TRUE		FALSE	TRUE	
Question	20 Total Responses	83	41	56	59	71%	24	29%	26	63%	16	37%	42	75%	14	25.00%			
Question	21 Total Responses	83	41	56	12	14.00%	71	86%	6	15%	35	85%	6	9%	51	91%			
Question	22 Total Responses	83	41	56	0	0%	83	100%	0	0%	41	100%	1	2%	55	98%			
Question	23 Total Responses	83	41	56	7	8.00%	76	92%	4	15%	35	85%	6	11%	50	89%			
Question	24 Total Responses	83	41	56	4	5.00%	79	95%	2	2%	40	98%	1	2%	55	98%			
Question	25 Total Responses	83	41	56	0	0.00%	83	98%	1	2%	39	98%	2	5%	54	95%			
Question	26 Total Responses	83	41	56	0	0%	83	100%	0	2%	40	98%	1	2%	55	98%			
Question	28 Total Responses	83	41	56	25	30%	58	70%	12	29%	29	71%	11	20%	45	80%			
Question	29 Total Responses	83	41	56	8	10%	75	90%	5	12%	36	88%	13	23%	43	77%			
Question	30 Total Responses	83	41	56	13	16%	70	84%	6	15%	35	85%	8	14%	48	86%			
Question	31 Total Responses	83	41	56	53	64%	30	36%	23	56%	18	44%	30	54%	26	46%			
Question	32 Total Responses	83	41	56	17	20%	66	80%	9	22%	32	78%	9	16%	47	84%			
Question	33 Total Responses	83	41	56	71	86%	12	14%	35	85%	6	15%	35	63%	21	37%			
Question	35 Total Responses	83	41	56	16	19%	67	81%	10	24%	31	76%	8	14%	48	86%			
Question	36 Total Responses	83	41	56	9	11%	74	89%	5	12%	36	88%	2	4%	54	96%			
Question	37 Total Responses	83	41	56	3	4%	80	96%	1	20%	40	80%	5	9%	51	91%			
Question	38 Total Responses	83	41	56	14	17%	69	83%	7	17%	34	83%	15	27%	41	73%			
Question	39 Total Responses	83	41	56	25	30%	58	70%	16	39%	25	61%	6	11%	50	89%			
Question	40 Total Responses	83	41	56	20	24%	63	76%	13	32%	28	68%	11	20%	45	80%			
Question	41 Total Responses	83	41	56	41	49%	42	51%	23	56%	18	44%	37	66%	19	34%			
Question	42 Total Responses	83	41	56	28	34%	55	66%	7	17%	34	83%	14	25%	42	75%			
Question	43 Total Responses	83	41	56	70	84%	13	16%	24	59%	17	41%	28	50%	28	50%			
Question	16 Total Responses	83	41	56	64	77%	19	23%	37	90%	4	10%	36	64%	20	36%			
Question	17 Total Responses	83	41	56	6	7%	77	93%	4	10%	37	90%	9	16%	47	84%			
Question	18 Total Responses	83	41	56	1	1%	82	99%	2	5%	39	95%	3	5%	53	95%			

		Teacher in Training										More than 10 yrs.											
		TRUE	FALSE	Less than 3 yrs.	TRUE	FALSE	3-10 Years	TRUE	FALSE	More than 10 yrs.	TRUE	FALSE	Other	TRUE	FALSE								
Question	20 Total Responses	0	0%	100%	3	19	13	81%	30	70%	41	34%	79	66%	3	100%							
Question	21 Total Responses	1	100%	0%	16	100%	0	0%	36	16%	103	86%	16	14%	0	0%							
Question	22 Total Responses	1	100%	0%	16	100%	0	0%	43	100%	118	99%	1	1%	3	100%							
Question	23 Total Responses	1	100%	0%	13	81%	3	19%	41	95%	107	89%	12	11%	3	100%							
Question	24 Total Responses	1	100%	0%	15	93%	1	7%	40	93%	115	97%	3	3%	3	100%							
Question	25 Total Responses	1	100%	0%	15	93%	1	7%	43	100%	118	98%	2	2%	3	100%							
Question	26 Total Responses	1	100%	0%	15	93%	1	7%	43	100%	119	99%	1	1%	3	100%							
Question	28 Total Responses	1	100%	0%	11	78%	3	22%	31	72%	87	0.73%	32	27%	2	0.65%							
Question	29 Total Responses	1	100%	0%	14	87%	2	13%	40	93%	96	80%	24	20%	3	100%							
Question	30 Total Responses	1	100%	0%	15	93%	1	7%	34	85%	99	84%	19	16%	2	0.65%							
Question	31 Total Responses	1	100%	0%	4	25%	12	75%	15	35%	100	0.84%	19	16%	2	0.65%							
Question	32 Total Responses	1	100%	0%	13	81%	3	19%	33	81%	53	0.44%	66	56%	3	100%							
Question	33 Total Responses	1	100%	0%	3	20.00%	12	80%	3	8%	97	0.80%	23	20%	1	0.65%							
Question	35 Total Responses	1	100%	0%	13	92%	1	8%	38	88%	93	77%	27	23%	3	100%							
Question	36 Total Responses	1	100%	100%	15	93%	1	7%	36	90%	106	91%	11	9%	3	100%							
Question	37 Total Responses	1	100%	0%	15	100%	0	0%	40	95%	111	0.54%	6	6%	3	100%							
Question	38 Total Responses	1	100%	0%	15	93%	1	7%	38	90%	90	0.75%	30	0.25%	2	0.65%							
Question	39 Total Responses	1	100%	0%	12	75%	4	25%	33	83%	85	0.70%	35	30%	1	0.65%							
Question	40 Total Responses	1	100%	0%	14	94%	1	6%	33	78%	88	0.73%	37	27%	2	0.65%							
Question	41 Total Responses	1	100%	0%	8	53%	7	7%	22	53%	53	0.44%	67	56%	3	100%							
Question	42 Total Responses	1	100%	0%	11	68%	5	32%	34	80%	90	0.75%	30	0.25%	3	100%							
Question	43 Total Responses	1	100%	0%	6	38%	10	62%	13	30%	37	0.30%	83	70%	1	0.65%							
Question	15 Total Responses	1	100%	0%	6	37%	10	63%	12	30%	23	20%	95	0.80%	1	0.65%							
Question	17 Total Responses	1	100%	0%	14	87%	2	13%	37	86%	109	0.50%	11	10%	3	100%							
Question	18 Total Responses	1	100%	0%	15	100%	0	0%	41	100%	118	0.98%	2	0.02%	1	0.65%							

Appendix B
School System Correspondence
Consent Letter

February 23, 2017

Dear Classroom Teacher,

I am a graduate student at Alabama A&M University working on an Educational Specialist Degree in Instructional Leadership. I am conducting an action research study in which I am asking you to participate. The purpose of this study is to Assess Teacher Perceptions on Various Issues Pertaining to School Law in a North Alabama School District. I would greatly appreciate your completing the electronic survey. Since the validity of the results depend on obtaining a high response rate, your participation is crucial to the success of this study.

Your return of the survey indicates your consent to participate in this study. Please be assured that your responses will be held in the strictest confidence. As soon as I receive your completed survey the data will be recorded. If the results of this study were to be written for publication, no identifying information will be used. I would like to request your permission to participate in the research that I will be conducting in your school district during the Spring of 2017. There are no possible risks or negative effects of your participation related to my use of your classroom survey. No one will be identified by name or institution. If for any reason you feel uncomfortable responding to any questions, feel free to skip the questions or discontinue the survey.

This study has been reviewed and approved by The Alabama A&M University Institutional Review Board (IRB). The IRB has determined that this study meets the ethical obligations required by federal law and University policies. If you have questions or concerns regarding this study please contact the Investigator or Advisor. If you should have any questions, please feel free to contact:

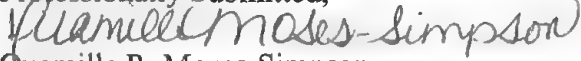
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If you have questions about your rights as a research participant, please contact:

Dr. James Bukenya
Director, Office of Research Compliance
Office of Research Compliance
Normal, AL 35762
256-372-5729
researchcompliance@aamu.edu

Professionally Submitted,


Quamille R. Moses-Simpson

Appendix C
Teacher Perception Survey

Teacher Perceptions on Various Issues Pertaining to School Law In a North Alabama School District

1. Please indicate your gender:

- ☐ Male
☐ Female

2. Please indicate the area of Alabama in which you work:

- ☐ Northern Alabama

3. Please indicate how many years you have been teaching by filling in the appropriate choice:

- ☐ Teacher in training
☐ Less than 3 years
☐ 3-10 years
☐ More than 10 years
☐ Other

4. At what type of school do you teach?

- ☐ Elementary School
☐ Middle School
☐ High School

5. Do you consider your school:

- ☐ Urban
☐ Suburban
☐ Rural

6. What subject matter do you teach?

- ☐ Elementary Curriculum
- ☐ Science
- ☐ Math
- ☐ Social Studies
- ☐ English
- ☐ Physical Education
- ☐ Technology
- ☐ Music
- ☐ Art
- ☐ Other (please specify)

7. If you are now teaching, please indicate the group of students with whom you work most closely.

- ☐ Special Education
- ☐ Limited English Proficiency
- ☐ General Education Students
- ☐ Other

8. Current Educational Level:

- ☐ Bachelor
- ☐ Masters
- ☐ Masters +30
- ☐ Doctorate

9. Please mark any of the following:

- ☐ I took a course on school law during my teacher certification.
- ☐ I took a course on school law since I have been teaching.
- ☐ I have attended a comprehensive school law in-service in my district or school during the past ten years.
- ☐ None of the above

10. Please indicate your level of knowledge as it pertains to the following topic **Issues of Religion and Education**

- ☐ None
- ☐ Inadequate
- ☒ Adequate
- ☐ Proficient

11. Studying the Bible in a public school is unconstitutional.

- ☐ True
- ☒ False

12. Students can distribute religious materials at school if it does not interfere with learning.

- ☒ True
- ☐ False

13. Graduate ceremonies may permit invocations and benedictions.

- ☐ True
- ☒ False

14. Students can refuse to salute the flag.

- ☐ True
- ☒ False

15. Please indicate your level of knowledge as it pertains to the following topic **Issues of Search and Seizure**

- ☒ None
- ☐ Inadequate
- ☐ Adequate
- ☐ Proficient

16. School officials can search the belongings of a student without reason.

- ☐ True
- ☒ False

17. Law enforcement must have probable cause to search a student.

☐ True

☐ False

18. Students can be subject to random drug testing if they participate in sports.

☐ True

☐ False

19. Please indicate your level of knowledge as it pertains to the following topic **Liability Regarding Student Injuries**

☐ None

☐ Inadequate

☐ Adequate

☐ Proficient

20. Teachers are not liable for injuries sustained by students that result from breaking up a fight.

☐ True

☐ False

21. Teachers are liable for education malpractice.

☐ True

☐ False

22. Schools who fail to prevent sexual harassment can be held liable.

☐ True

☐ False

23. A teacher who gives a student a ride home without parental permission, can be held liable if no injuries are sustained.

☐ True

☐ False

24. If a teacher provides false information on a recommendation for a student the teacher can be held liable.

☐ True

☐ False

25. Teachers are liable when injury occurs if they leave their classroom unattended.

☐ True

☐ False

26. Teachers are liable for the failure to report sexual, physical, or verbal abuse.

True

☐ False

27. Please indicate your level of knowledge as it pertains to the following topic **Student Rights**

☐ None

☐ Inadequate

☐ Adequate

☐ Proficient

28. Students can promote their political views at school.

☐ True

☐ False

29. Students have a right to participate in extracurricular activities.

☐ True

☐ False

30. Students have a right to a hearing with legal representation when suspended for 5-10 days.

☐ True

☐ False

31. Students may wear t-shirts that criticize school policy if they do not interfere with the learning environment.

☐ True

☐ False

32. Schools can require all students to wear uniforms.

☐ True

☐ False

33. Student speech that is offensive, provocative, and controversial is protected by the first amendment.

☐ True

☐ False

34. Please indicate your level of knowledge as it pertains to the following topic **Discrimination, Harassment, & Teacher Freedoms**

☐ None

☐ Inadequate

☐ Adequate

☐ Proficient

35. Schools can require that teachers abide by strict dress codes without violating their rights.

☐ True

☐ False

36. Schools can require supplemental material approval by administrators in advance without violating teachers' academic freedom.

☐ True

☐ False

37. Public school teachers must abide by the Bill of Rights.

☐ True

☐ False

38. Teachers who falsely report student abuse can be sued for defamation.

☐ True

☐ False

39. Public schools have the authority to fire a teacher for having a consensual sexual relationship with a student over the age of 18.

☐ True

☐ False

40. Teachers that publicly criticize school policies can be disciplined.

☐ True

☐ False

41. Teachers possess the legal authority to select the text for their students.

☐ True

☐ False

42. Teachers who discuss controversial subjects, if they are relevant, appropriate for the age and maturity of the students, and do not cause disruption, are protected by academic freedom.

☐ True

☐ False

43. Teachers cannot view student records without permission from the principal or the parents.

☐ True

☐ False

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